

**REMARKS/ARGUMENTS**

The non-final Office Action mailed April 12, 2010, has been reviewed and these comments are responsive thereto. Claims 1, 7, 18, 19, and 22 have been amended, claims 13-17 were previously canceled, and new claims 26-29 have been added. No new matter has been added. Claims 1-12 and 18-29 are thus pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

***Rejections Under 35 U.S.C. § 103***

Claims 1, 4, 5, 7, 10, 11, and 18-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,438,752 to McClard (hereinafter “McClard”), in view of U.S. Patent Application No. 2003/0028871 to Wang et al. (hereinafter “Wang”), in view of U.S. Patent Application No. 2002/0095676 to Knee et al. (hereinafter “Knee”), and further in view of U.S. Patent Application No. 2003/0067554 to Klarfeld et al. (hereinafter “Klarfeld”). Claims 2, 3, 8 and 9 stand rejected under § 103(a) as being unpatentable over McClard, in view of Wang, in view of Knee, in view of Klarfeld, and further in view of U.S. Patent Application No. 2003/0020744 to Ellis et al. (hereinafter “Ellis”). Claims 6 and 12 stand rejected under § 103(a) as being unpatentable over McClard, in view of Wang, in view of Knee, in view of Klarfeld, and further in view of U.S. Patent Application No. 2002/0104087 to Schaffer et al. (hereinafter “Schaffer”). For the reasons presented below, Applicants respectfully traverse.

**Independent Claim 1**

The references of record do not teach the features disclosed in independent claim 1. For example, amended claim 1 recites, *inter alia*:

adding a category from a first set of categories of broadcasted programs provided by a media provider to a second set of categories of broadcasted programs in response to a broadcasted program viewing device being tuned, for a period of time at least equal to a first predetermined threshold, to a plurality of broadcasted programs predetermined to be in the category from the first set

The references cited by the Office Action neither teach nor suggest the above recited feature. The Office Action relies on paragraph [0034] and accompanying figure 4b of Wang as allegedly describing “updating a second set in response to a plurality of broadcasted programs

being tuned for a period of time at least equal to a first predetermined threshold.” Office Action p. 4. Applicant respectfully traverses.

At best, figure 4b of Wang provides a method for updating a user profile when a “content surfer” frequently switches channels. Wang ¶ [0032]. In this embodiment, the time that this “content surfer” spends viewing a “program of interest” before switching to another channel (the “session time”) is added to a stored sum of the previous session times spent viewing *that particular content* (the “total time”), and once that total time reaches the threshold, the user preferences are updated. Wang ¶ [0034], fig. 4b. Therefore, Wang does not teach or suggest “adding a category from a first set of categories of broadcasted programs provided by a media provider to a second set of categories of broadcasted programs in response to a broadcasted program viewing device being tuned, for a period of time at least equal to a first predetermined threshold, to a *plurality of broadcasted programs* predetermined to be in the category from the first set,” as is recited by claim 1. Indeed, although Wang describes that a transmission from a service provider to a home environment includes both programming content and metadata, Wang limits the monitoring and adding of session time to “time spent viewing particular content” without any suggestion or description of monitoring and adding session time for a plurality of broadcasted programs within a category. Wang ¶¶ [0019], [0034] and [0039]. The other references of record fail to cure these deficiencies of Wang, and accordingly, Applicant respectfully requests the rejection of claim 1 be withdrawn.

#### **Independent Claim 7**

Amended claim 7 recites substantially similar features as claim 1 and is thus allowable for substantially similar reasons as presented above. Accordingly, Applicant respectfully requests the rejection of claim 7 be withdrawn.

#### **Dependent Claims**

Dependent claims 2-6, 8-12, and 18-25 are allowable for the at least the same reasons as their respective base claims and further in view of the additional features recited therein. Accordingly, Applicant respectfully requests all rejections be withdrawn.

For example, with respect to claims 6 and 12, the Office Action relies on Schaffer as teaching “verifying profile updates with a viewer.” Office Action p. 8. Applicant respectfully traverses. At best, Schaffer describes sending a query to a user to rate a program that appears to be inconsistent with “program recommenders” or preferences stored in a user profile, utilizing

this rating to later update the profile, but does not *verify with the viewer* before these updates are made. Schaffer ¶ [0048]. Thus, Schaffer does not teach or suggest “verifying with a viewer the adding of the category from the first set to the second set” as is recited by claims 6 and 12.

With respect to claims 18 and 19, the amended claims recite, *inter alia*:

adding a category from the first set to the second set in response to multiple selectings of at least one broadcasted program predetermined to be in the category from the first set, said multiple selectings at least equal to a predetermined number of selectings

The Office Action relies on Wang as disclosing the above feature. At best, and as presented above in response to independent claim 1, Wang describes a method for updating a user profile according to the actions of a “content surfer” who may visit a “program of interest” for a short period of time on several occasions. Wang ¶ [0034]. Thus, the Wang method describes adding the session time for each individual viewing to a total time for that program, only updating the user profile if the *total time* exceeds a threshold. Wang ¶ [0034]. Wang neither teaches nor suggests updating the profile in response to “multiple selectings of at least one broadcasted program predetermined to be in the category from the first set, said **multiple selectings at least equal to a predetermined number of selectings**,” as is recited by amended claims 18 and 19. That is, total time does not describe a number of selectings.

With respect to claims 20 and 21, the Office Action relies on McClard as allegedly describing “adding a category from the first set to the second set in response to selecting of the first category from the first set.” Office Action p. 5. Applicant respectfully traverses. At best, McClard describes adding “program and channel information” to a memory when a *channel is viewed for a predetermined time*, McClard col. 5 ll. 54-61, rather than “adding a **category** from the first set to the second set of categories in response to **a selecting of the category** from the first set,” as is recited by claims 20 and 21.

Finally, with respect to claims 22 and 23, the Office Action relies on McClard as teaching “wherein the step of determining a plurality of demographic profiles includes utilizing weight values for categories to determine said demographic profiles.” Office Action p. 6. Applicant respectfully traverses. At best, McClard describes searching a “frequency memory” to determine “the order of preference of the categories/genres of programs the identified viewer watches for the current time period,” thus allowing the McClard method to quickly access an identified viewer’s “favorite categories” when so requested. McClard cols. 6 ll. 62-67, 7 ll. 1-7. This

method, however, first requires “receiving an input signal from a viewer indicating the identity of the viewer” before the method can store categorical information for that viewer’s profile, McClard col. 5 ll. 52-53, and thus neither teaches nor suggests, and in fact teaches away from, “utilizing weight values for categories to *determine said demographic profiles*,” as is recited by claims 22 and 23.

### *New Claims*

New claims 26, 27, 28, and 29 have been added. No new matter has been added. Claims 26 and 28 are dependent from independent claim 1 and claims 27 and 29 are dependent from independent claim 7, and thus these new claims are allowable for at least the same reasons as their respective base claims and further in view of the additional features recited therein.

For example, claims 26 and 27 recite adding a category from the first set to the second set in response to a “broadcasted program viewing device being tuned to a first broadcasted program, predetermined to be in the category from the first set, for a first period of time; and the broadcasted program viewing device being tuned to a second broadcasted program, also predetermined to be in the category from the first set, for a second period of time; wherein the sum of the first period of time and second period of time is at least equal to the first predetermined threshold.” None of the references of record teach or suggest this feature.

Additionally, with respect to claims 28 and 29, none of the references teach or suggest “determining a first demographic profile by using differentiation to determine at least one maximum peak on a graph of the duration of relative viewing times for each of the categories associated with a first behavior peak,” as is recited by claims 28 and 29. Accordingly, the features of new claims 26-29 are neither taught nor suggested by the references of record and thus are allowable for the novel features recited therein.

**CONCLUSION**

All rejections having been addressed, Applicant respectfully requests entry of the present amendment and notification of allowance. If any fees are due, or if an overpayment has been made, the Director is authorized to debit or credit Deposit Account No. 19-0733. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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